

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SPECTRUM DYNAMICS MEDICAL  
LIMITED,

Plaintiff,

-against-

GE HEALTHCARE TECHNOLOGIES, INC. et al.,

Defendants.

**USDC SDNY**  
**DOCUMENT**  
**ELECTRONICALLY FILED**  
**DOC #:** \_\_\_\_\_  
**DATE FILED:** 12/13/2023

**ORDER**

**18-CV-11386 (VSB) (KHP)**

**KATHARINE H. PARKER, UNITED STATES MAGISTRATE JUDGE**

As discussed at the December 12, 2023 pre-motion conference and as further set forth on the record, Spectrum's motion under Federal Rule of Civil Procedure 37 to preclude Defendants' reliance on Mr. Levy's opinion because it was not timely disclosed as an expert opinion is DENIED. Spectrum is permitted to depose Mr. Levy as to the basis of the opinion provided by Mr. Levy and relied upon by Defendants' damages expert in the expert report. Any such deposition must be limited to one hour and must occur by **Tuesday, January 16, 2024**.

This Order does not preclude Spectrum from challenging Defendants' expert report under *Daubert* or to argue (at the appropriate time) that Mr. Levy's opinion is not an admissible lay opinion.

**SO ORDERED.**

**Dated:** December 13, 2023  
New York, NY

*Katharine H. Parker*

KATHARINE H. PARKER  
United States Magistrate Judge